

REMARKS

Claims 1-24, 30 and 31 are pending. By this Amendment, no claims are cancelled, original claims 1-10 are presented as previously once amended and indicated to be allowable, new claims 11-24, 30, and 31, are re-presented as previously indicated to be allowable, and additional new claim 33 is added. Pursuant to the requirements of 37 C.F.R. 1.173(c), support for each claim amendment and added claim relative to claims 1-24, 30 and 31 has been indicated in previous amendments. Support for new claim 33 is found in the specification as follows:

No.	Claim Text	Corresponding Specification Disclosure
33.	<p><u>A throttling valve assembly comprising:</u></p> <p><u>a body portion presenting an inlet passage and an outlet passage, the inlet passage and outlet passage being in selective fluid communication;</u></p> <p><u>a valve seat disposed around the inlet passage;</u></p> <p><u>a flexible diaphragm structure presenting a throttling surface having a valve portion, the valve portion being matingly engageable with the valve seat, wherein the flexible diaphragm structure is shiftable between a first flow-blocking position in which the valve portion and the valve seat are matingly engaged such that the inlet passage and the outlet passage are not in fluid communication, and a second open flow position in which the valve portion and the valve seat are not matingly engaged such that the inlet passage and the outlet passage are in fluid communication; and</u></p> <p><u>a drive assembly operably coupled with the flexible diaphragm structure adapted to shift the flexible diaphragm structure between the first and second positions.</u></p>	<p>Original claim 1; column 2, lines 36-54; Figures 1-4; column 4, lines 14-34.</p> <p>Original claim 1; column 2, lines 36-54; Figures 1-4; column 4, lines 14-34.</p> <p>Original claim 1; column 2, lines 36-54; Figures 1-4; column 4, lines 14-34.</p> <p>Original claim 1; column 2, line 45 through column 3, line 57; Figures 1-4; column 4, lines 14-67.</p> <p>Original claim 1; column 2, line 60 through column 3, line 57; Figures 1-4; column 4, lines 35-67</p>

Amendments to the Specification

Various minor amendments to the specification are made herein in order to correct obvious typographical errors. Applicant respectfully submits that these amendments do not add new matter, and requests that they be entered.

Claim Rejections

Claims 1-24, 30, and 31 stand rejected because the Examiner has indicated that the reissue oath/declaration filed with the application is defective because it fails to identify at least one error which is relied upon to support the reissue application. Submitted herewith is a revised declaration having an error statement that identifies a “single word, phrase, or expression...in an original claim, and how it renders the original patent wholly or partly inoperative or invalid.” MPEP § 1414(II)(B). Specifically, the revised error statement submitted herewith states that “[c]laim 1 of the patent, the sole independent claim, claims a ‘drive means on said diaphragm’ and ‘operator means cooperable with said drive means’” and that “the claims of the patent are unduly narrow, thereby rendering the patent partly inoperative in covering the full scope of the disclosed invention,” thereby identifying at least one error in the claims “by reference to the specific claim(s) and the specific language wherein lies the error.” MPEP § 1414(II)(C).

Further, solely in order to advance prosecution and even though the law contains no such requirement, the revised error statement submitted herewith points out the differences between the newly added claims 11-24, 30, 31, and 33 and the original claims 1-10 by the statement that “[n]ew independent claims 11, 21, and 33, submitted in the amendment attached hereto, do not recite either a ‘drive means’ or an ‘operator means,’ are therefore broader than any of the original claims 1, 2, 3, 4, 5, 6, 7, 8, 9, or 10, and thus serve to correct the above identified error.”

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Bradley J. Thorson', with a long horizontal flourish extending to the right.

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